

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7440

Petition of Entergy Nuclear Vermont Yankee,)
LLC, and Entergy Nuclear Operations, Inc., for)
amendment of their Certificates of Public Good)
and other approvals required under 10 V.S.A.)
§§ 6501–6504 and 30 V.S.A. §§ 231(a), 248 &)
254, for authority to continue after March 21,)
2012, operation of the Vermont Yankee Nuclear)
Power Station, including the storage of spent)
nuclear fuel)

Order entered: 8/13/2008

ORDER RE: MOTIONS TO INTERVENE

Introduction

Today's Order addresses a number of motions to intervene that have been filed in this docket. Intervention is the process by which individuals and organizations may seek to become formal parties to this proceeding. Intervenors have the same rights and obligations as the other formal parties, including the requirement that parties follow the Public Service Board's ("Board") procedural rules. An intervenor may provide testimony and participate in the evidentiary hearings and will be subject to the rules governing discovery and cross-examination.

In order to intervene one must file a motion to intervene explaining the nature of the interest which may be affected by the outcome of the proceeding. Typically, motions to intervene must address the following standards, as described in Board Rule 2.209(A) and (B):¹

1. Persons wishing to intervene in this proceeding should read closely Board Rule 2.209, as well as the Board's *Citizens' Guide to the Vermont Public Service Board's Section 248 Process*, available at the Board's web site (http://www.state.vt.us/psb/document/Citizens_Guide_to_248.pdf), or at the Board's offices at the Chittenden Bank Building, 4th Floor, 112 State Street, Montpelier, Vermont.

- (1) whether the person demonstrates a substantial interest which may be adversely affected by the outcome of the case;
- (2) whether the applicant's interest will be adequately protected by other parties;
- (3) whether alternative means exist by which the applicant's interest can be protected; and
- (4) whether intervention will unduly delay the proceeding or prejudice the interests of existing parties or the public.

The motion to intervene, as well as any other filings in the case, must be filed with the Board and all parties; a motion to intervene must be accompanied by a Notice of Appearance, which lists the name and contact information for the individual or group. Existing parties may comment on the intervention requests and the Board will issue an order granting or denying the motion to intervene. In order to manage the case efficiently, the Board may restrict an intervenor's participation to the specific issues in which the intervenor may be affected, or may require that parties work cooperatively.

The deadline for intervention requests in this proceeding is August 22, 2008.²

Procedural History

On July 17, 2008, the Windham Regional Commission ("WRC") filed a motion to intervene. WRC states that its interest is to generally aid the review of information regarding all aspects of the proposed continued operation of the Vermont Yankee Nuclear Power Station ("VY") and to support public awareness.

On July 18, 2008, TransCanada Hydro Northeast Inc. ("TC Hydro NE") filed a motion to intervene. TC Hydro NE asserts that its Vernon Station is located just downstream of VY and may be directly affected by operations and emergency procedures at VY.

On July 22, 2008, the Town of Brattleboro ("Brattleboro") filed a request to intervene. Brattleboro states that it has a substantial interest in employment, property values, economic benefit to the residents and businesses of Brattleboro, public health and safety, and reliability of VY.

2. See Prehearing Conference Memorandum issued 7/22/08.

On July 24, 2008, the New England Coalition, Inc., d/b/a New England Coalition — Opposing Nuclear Pollution ("NEC"), moved to intervene. NEC states that it has many members near VY who have interests that will be directly affected by this proceeding. NEC expresses concerns both about the effect upon plant reliability, which it states could affect costs for its members, and the financial risk to its members arising from potential severe plant accidents.

On July 29, 2008, Central Vermont Public Service Corporation ("CVPS") filed a motion to intervene in which it claims a substantial interest in the potential continued purchase of power from VY and in its share of VY's post-relicensing power sales revenues (pursuant to a memorandum of understanding in Docket 6545).

On July 28, 2008, the Department of Public Service ("Department") filed a letter stating that it had reviewed all five motions to intervene³ and had no objection to the Board granting permissive intervention for each entity with respect to the interests each had articulated.

On August 4, 2008, Entergy Nuclear Vermont Yankee, LLC, and Entergy Nuclear Operations, Inc. ("Entergy") filed a response to the motions to intervene of Brattleboro, TC Hydro NE, NEC, and CVPS.⁴ Entergy does not object to the Board granting each entity permissive intervention; for TC Hydro NE and NEC, Entergy requests that intervention be limited to the interests that each has stated. Entergy also observes that CVPS's interests may be similar or identical to those of Green Mountain Power Corporation ("GMP"), which has previously been granted intervention; Entergy recommends that the Board ask CVPS and GMP to coordinate their presentations if a power-purchase agreement is reached. Entergy also requests that, once all intervenors are known, the Board require parties with common interests to coordinate their appearances and presentations. Entergy states that it "will address opportunities for such actions if and as additional requests for interventions are received."⁵

3. The Department apparently received a copy of CVPS's motion before that motion was formally filed at the Board.

4. Entergy did not comment on WRC's motion, but did respond to a motion to intervene filed by CVPS on July 29, 2008.

5. Entergy Response filed August 4, 2008, at 4.

Board Discussion and Conclusion

We hereby grant the motions to intervene submitted by WRC, TC Hydro NE, Brattleboro, NEC, and CVPS on a permissive basis. The scope of each intervention is limited to the interests that the party has identified. At this time we make no ruling requiring coordination among parties with common interests, but note our strong encouragement for such coordination on a voluntary basis.

So ORDERED.

Dated at Montpelier, Vermont, this 13th day of August, 2008.

<u>s/James Volz</u>)	
)	
)	PUBLIC SERVICE
<u>s/David C. Coen</u>)	
)	BOARD
)	
)	OF VERMONT
<u>s/John D. Burke</u>)	

OFFICE OF THE CLERK

FILED: August 13, 2008

ATTEST: s/Susan M. Hudson

Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)